

REMARKS

Claim 41 is amended. Claims 41-34 are pending in the application.

Claims 41-43 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Holloway (US Patent No. 6,040,249). The Examiner is reminded by direction to MPEP § 2131 that anticipation requires each and every element of a claim to be disclosed in a single prior art reference. Claims 41-43 are allowable over Holloway for at least the reason that Holloway fails to disclose each and every element in any of those claims.

Independent claim 41 is amended to correct a typographical error. Independent claim 1 recites a gate oxide layer comprising silicon dioxide and having a total thickness of about 5 Angstroms having a nitrogen-enriched region which is only in an upper half of the gate oxide layer. Holloway discloses an oxide layer of 4 nanometers (40 Angstroms) which has a nitrogen depth range of from about 0.3 nanometers to about 3.5 nanometers (3-35 Angstroms) (See col. 2, ln 13-20). Holloway fails to disclose the recited gate oxide layer comprising silicon dioxide and having a total thickness of about 5 Angstroms having a nitrogen-enriched region which is only in an upper half. Accordingly, claim 41 is not anticipated by Holloway and is allowable over this reference.

Claims 42-43 are allowable over Holloway for at least the reason that they depend from allowable base claim 41.

For the reasons discussed above, claims 41-43 are allowable. Accordingly, applicant requests formal allowance of claims 41-43 in the Examiner's next action.

Respectfully submitted,

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